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Promotion and protection of human rights: implementation of human rights instruments

United Nations reform: measures and proposals

Status of the human rights treaty body system

Report of the Secretary-General

Summary

In resolution 68/268, the General Assembly requested the Secretary-General to submit to the Assembly, on a biennial basis, a comprehensive report on the status of the human rights treaty body system. The present report is submitted pursuant to that request.

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I. Introduction

1. The human rights treaty body system consists of 10 treaty bodies or committees[1] that monitor the fulfilment by States parties of the human rights obligations subscribed to through ratification of or accession to nine core treaties[2] and nine optional protocols. In paragraph 40 of its resolution 68/268 the General Assembly requested the Secretary-General to submit to it, on a biennial basis, a comprehensive report on the status of the human rights treaty body system and the progress achieved by the human rights treaty bodies in realizing greater efficiency and effectiveness in their work, including the number of reports submitted and reviewed by the committees, the visits undertaken and the individual communications received and reviewed, where applicable, the state of the backlog, capacity-building efforts and the results achieved, and the situation in terms of ratifications, increased reporting and the allocation of meeting time and proposals on measures, including on the basis of information and observations from Member States, to enhance the engagement of all States parties in the dialogue with the treaty bodies. The present report is submitted pursuant to that request.

2. The present report covers the period from the adoption of resolution 68/268 (9 April 2014) until June 2016. Although the formal implementation of resolution 68/268, with its financial implications, started only on 1 January 2015, steps were already taken to follow up on the resolution prior to that date, for example in the area of harmonization of working methods. Since statistics are presented by calendar year, 31 December 2015 is the cut-off date for most data provided in this report.[3]

3. General Assembly resolution 68/268 includes provisions for States, treaty bodies and the United Nations system. On 6 November 2015 and 12 January 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale inviting States to comment on the implementation of resolution 68/268 and to provide information on action taken to follow up on and to implement paragraphs 7, 8, 10 and 13 of the resolution, specifically addressed to States. Replies were received from Austria, Bahrain, China, Costa Rica, Ecuador, Finland,

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Note: The annexes referred to in the present report can be found in a supplementary information document available, during the General Assembly deliberations on related items, on ww.ohchr.org or at the New York Office of the United Nations High Commissioner for Human Rights, or can be requested at GA68-268@ohchr.org.

[1] Treaty bodies: Committee on the Elimination of Racial Discrimination; Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Discrimination against Women; Committee against Torture; Subcommittee on Prevention of Torture; Committee on the Rights of the Child; Committee on Migrant Workers and Members of Their Families; Committee on the Rights of Persons with Disabilities; Committee on Enforced Disappearances.

[2] International human rights treaties and year of adoption: International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); Convention on the Rights of the Child (1989); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); Convention on the Rights of Persons with Disabilities (2006); International Convention for the Protection of All Persons from Enforced Disappearance (2006).

[3] 19 January 2016 was used as the cut-off date for reporting compliance by States parties.

Germany, Kuwait, Mexico, Paraguay, Qatar, the Russian Federation, Switzerland, Togo, the United States of America and Uzbekistan. They are available on the OHCHR website.[4]

II. Ratifications

4. Treaty ratifications and declarations enabling communications and inquiries increased by 5 per cent from 2013 to 2015 (annex I). Core treaties registering the greatest increase in ratifications were the International Convention for the Protection of All Persons from Enforced Disappearance (plus 24 per cent) and the Convention on the Rights of Persons with Disabilities (plus 15 per cent). The increase in the number of ratifications should logically translate into an increase in the number of State party reports and individual communications submitted to the treaty body system in the coming years.

III. Reporting compliance by States parties

5. States parties have an obligation to report periodically under nine core international human rights treaties and two optional protocols.[5] As at 19 January 2016, 25 of 197 States parties (13 per cent) were fully compliant with their reporting obligations under the relevant international human rights treaties and protocols (annex II). Five of those States parties had ratified five or fewer human rights instruments.

6. The data suggest that a large majority of States parties continue to face challenges in submitting reports in a timely manner to the treaty bodies. Three treaties counted more than 15 States parties whose initial report was more than 10 years overdue (Convention against Torture, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child — Optional Protocol on the sale of children, child prostitution and child pornography). Two treaty bodies counted more than 20 States parties whose periodic report was more than 10 years overdue (Committee on the Elimination of Racial Discrimination, Human Rights Committee).

7. Owing to late and non-reporting, treaty bodies are not receiving the volume of work they would if all reports were submitted in a timely manner. For example, 56 per cent of all reports due to the Committee on the Elimination of Racial Discrimination had not yet been submitted on 19 January 2016.

8. An overview of reporting compliance by States parties is updated regularly on the OHCHR website,[6] including through maps,[7] and prepared annually for the meeting of the Chairs of the treaty bodies.[8]

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[4] www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx.

[5] Optional Protocols and year of adoption: Optional Protocol on the involvement of children in armed conflict (2000); Optional Protocol on the sale of children, child prostitution and child pornography (2000).

[6] http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx.

[7] www.ohchr.org/Documents/Issues/HRIndicators/Reporting_Compliance_Dec2015_map.pdf.

[8] See HRI/MC/2016/2 for the latest note.

IV. Capacity-building

9. OHCHR has sought to address the capacity needs of States parties, particularly in the area of reporting, by setting up a treaty body capacity-building programme reflecting the provisions of resolution 68/268. In 2014, briefings were organized for State representatives in Geneva and the programme became fully operational in 2015 with 10 staff members based in 10 OHCHR regional offices (Addis Ababa, Bangkok, Beirut, Bishkek, Dakar, Panama, Pretoria, Santiago de Chile, Suva and Yaoundé) and six staff based in Geneva.

10. While there has been significant demand for the capacity-building activities provided under the programme, the initiatives undertaken have yet to translate into an increased submission of State party reports, primarily due to the fact that the period from the initiation of a State party report to its actual submission to a treaty body may be 6 to 12 months or longer. Nevertheless, the results of the treaty body capacity-building programme are promising, with an increasing number of submissions or updates to common core documents and replies to lists of issues submitted, improved constructive dialogues with the treaty bodies, and an increased interest on the part of a number of States parties in the establishment of a national mechanism for reporting and follow-up.

11. Under the treaty body capacity-building programme, some 50 activities of direct assistance to States were carried out between 1 January 2015 and 30 June 2016. More specifically, State officials from 26 countries[9] increased their knowledge on the human rights treaties as well as treaty body reporting skills further to such activities.

12. In addition, subregional training of trainers workshops were held in:

- Samoa, for 12 States of the Pacific region[10] (19-23 October 2015)
- Barbados, for 15 English-speaking States of the Caribbean and North America region[11] (7-11 December 2015)
- Amman, for 15 States of the Arab region[12] (10-14 April 2016)
- Bangkok, for 16 States of South-East and North-East Asia[13] (23-27 May 2016)

[9] Botswana, Chile, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Kazakhstan, Kyrgyzstan, Lao People's Democratic Republic, Liberia, Mauritania, Mauritius, Nauru, Panama, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Solomon Islands, Swaziland, Tajikistan, the former Yugoslav Republic of Macedonia, Tonga, Vanuatu.

[10] Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. Australia, New Zealand, Niue and Palau were unable to participate.

[11] Antigua and Barbuda, Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States of America.

[12] Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Tunisia, United Arab Emirates, Yemen. No applications were received from Algeria, Bahrain or the Syrian Arab Republic.

[13] Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Mongolia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand, Timor Leste, Viet Nam.

13. Further train-the-trainers workshops are scheduled for 37 States of anglophone and francophone Africa in the second half of 2016.

14. Through these workshops, State officials from 58 countries have become trainers and joined a roster of experts on treaty body reporting. This ensures national ownership and sustainability of the knowledge generated through this innovative approach. Members of the roster may be called upon to assist with subregional training activities to stimulate peer-to-peer learning and exchanges of good practices. The programme is maintaining a community of practice with all State officials trained.

15. Furthermore, under the treaty body capacity-building programme, a *Practical Guide* and study on national mechanisms for reporting and follow-up were launched in 2016. A treaty body reporting trainers guide is under preparation, as are two guides on reporting to the Covenants, on the occasion of their fiftieth anniversary.

16. On a day-to-day basis, the OHCHR treaty body capacity-building team in Geneva update the treaty body documentation database. In addition, they maintain the Universal Human Rights Index, a search engine for recommendations made by the three human rights mechanisms (treaty bodies, universal periodic review, special procedures of the Human Rights Council). The search options of the Index are currently being upgraded to facilitate research in relation to the Sustainable Development Goals and targets.

V. State party reports and individual communications

17. In order to allow the treaty bodies to adjust to changes in the workload, the General Assembly decided on a mathematical formula to determine the meeting time needs of the treaty bodies (resolution 68/268, paras. 26 (a)-(c), 27 and 28). The parameters used by the General Assembly to identify the meeting time each treaty body required included the average number of State party reports received and communications registered per year.

A. State party reports received

18. Nine of the 10 treaty bodies review State party reports. The number of State party reports received over the past four years (2012-2015) fluctuated, sometimes strongly, from year to year and from one treaty body to another (annex III). While the reasons for this fluctuation are dependent on States and thus difficult to establish, the number of State party reports submitted is likely to increase over the medium and long term as a result of the steady increase in the number of ratifications and the impact of the OHCHR capacity-building efforts in the area of treaty body reporting.

19. The following treaty bodies registered an increase in the average number of State party reports received annually in the past four years when compared to the previous reference period, used in resolution 68/268 (2009-2012): Committee on Enforced Disappearances, Committee on the Rights of Persons with Disabilities, Committee on the Elimination of Racial Discrimination, Human Rights Committee. The other treaty bodies registered a decrease in the average number of State party reports received per year.

B. Communications registered

20. Eight of the 10 treaty bodies can receive individual complaints. The two most recent individual complaints procedures entered into force in May 2013 (Committee on Economic, Social and Cultural Rights) and April 2014 (Committee on the Rights of the Child).

21. The number of individual communications registered increased sharply between 2012 and 2015, from 170 to 307 communications (an 80 per cent increase) (annex IV). While the increase was greatest for the Human Rights Committee (196 communications registered in 2015 as compared to 104 in 2012), the trend was the same for all treaty bodies that receive individual communications, with the exception of the Committee on Enforced Disappearances. The trend is likely to continue as these procedures become better known.

VI. Treaty body meeting time

22. This section examines the impact of resolution 68/268 on the treaty body system's meeting time. Since the General Assembly decided to review and adjust the meeting time biennially at the request of the Secretary-General, it also reviews the needs in terms of meeting time for 2018-2019, following the parameters laid out in the resolution.

A. Determining treaty body meeting time and implications

23. Support for the treaty body system is provided by OHCHR, the Division of Conference Management and the Division of Administration of the United Nations Office at Geneva and the United Nations Information Service. At the request of the General Assembly (resolution 68/2), a comprehensive and detailed cost assessment of the treaty body system was undertaken to provide background context to the intergovernmental process leading up to resolution 68/268 (see A/68/606). It described the inputs for one week of meeting time, which include travel expenses of treaty body members, conference services (documentation, interpretation, summary records and other meeting services), and Professional and General Service staff for OHCHR and the Information Service. As the size of the membership and the documentation needs vary among the treaty bodies, so does the standard unit cost of one week of meeting time.

24. The requirements for one week of meeting time further differ depending on the type of activity undertaken by the treaty bodies. One week of meeting time to review State party reports, for example, requires, inter alia, 15 weeks of Professional staff support, whereas one week of communications requires 70 weeks of Professional staff time, because individual communications are more labour intensive than State party reviews.[14] Documentation requirements also vary depending on whether treaty bodies review State party reports or examine communications.

[14] The availability of a staff member supporting the treaty bodies is 40 weeks per year or 200 working days, taking into account official holidays, leave entitlements, coordination, administrative duties and mandatory training.

25. The General Assembly used the following parameters to determine the annual meeting time of 9 of the 10 treaty bodies:[15]

(a) The average number of State party reports submitted and individual communications received;

(b) An assumed rate of 2.5 reviews of State party reports per week (5 under the Optional Protocols to the Convention on the Rights of the Child) and 1.3 hours of meeting time to examine one communication;

(c) An additional 15 per cent margin to prevent the recurrence of backlogs in State party reports and individual communications until the end of 2017, to be reduced to 5 per cent as from 2018;

(d) Two weeks of standard meeting time per treaty body for other mandated activities;

(e) The non-reduction of the number of weeks allocated to a treaty body on a permanent basis prior to the adoption of resolution 68/268.

B. Treaty body meeting time in 2015

26. The meeting time adjustments resulting from resolution 68/268 took effect on 1 January 2015 and brought the total meeting time entitlement of the treaty body system to 96.6 weeks[16] per year until the end of 2017 (annex V). As a result, the treaty bodies in 2015 had 20.6 weeks more of meeting time in total than before the adoption of resolution 68/268. On average, treaty bodies met for approximately two and half months in 2015 in Geneva, some for sessions of up to four weeks.

27. The additional meeting time had the desired effect of increasing the number of concluding observations, decisions and views adopted. In 2015, the treaty bodies adopted 173 concluding observations, representing a 26 per cent increase from 2013 (annex VI). On average, the treaty bodies met the objective of 2.5 State party reports reviewed per week under the core treaties and exceeded the objective of 5 reviews under the Optional Protocols to the Convention on the Rights of the Child. Also in 2015, the treaty bodies adopted final decisions on 183 communications, an increase of almost 58 per cent compared to 2013 (annex VII).

28. While the additional meeting time allowed the treaty bodies to significantly increase the output of the treaty body system, it also placed great demands on treaty body members, who serve on an independent, pro bono basis, in terms of availability and workload.

[15] The Subcommittee on Prevention of Torture was not included in the meeting time formula as it does not examine State party reports.

[16] Including the meeting time of the Subcommittee on Prevention of Torture and the annual meeting of the Chairs of the treaty bodies, but excluding the 2.6 weeks of ad hoc meeting time which were granted to the Committee on the Rights of the Child prior to the adoption of resolution 68/268.

C. Backlog

29. The General Assembly, in resolution 68/268, granted a 15 per cent margin of meeting time to the treaty body system to prevent the recurrence of backlogs in State party reports and individual communications, until the end of 2017. The margin is set to be reduced to 5 per cent as from 2018 in line with paragraph 26 (c) of the resolution.

30. After one year of expanded meeting time, it is too early to forecast the state of the backlog of State party reports and individual communications at the start of 2018, when the backlog margin will be reduced from 15 per cent to 5 per cent.

31. However, after the first full calendar year of implementation of resolution 68/268, the overall backlog of the treaty body system has increased rather than decreased, in spite of the increased output and productivity of the treaty bodies. This is primarily due to the sharp increase in the number of individual communications, although a few treaty bodies have also registered increases in the backlog of State party reports.

State party reports

32. On 31 December 2015, the Committee on the Rights of the Child held the largest number of reports in the backlog (57 State party reports), followed by the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women (respectively 52 and 44 State party reports pending review). Together, these three treaty bodies accounted for 60 per cent of all State party reports pending review (annex VIII).

33. From 2013 to 2015, the backlog in State party reports pending review decreased by 15 per cent for the nine treaty bodies reviewing State party reports. Whether this trend will continue in 2016 and 2017 depends on a number of factors, including the rate of review of State party reports by the treaty bodies and the numbers of incoming reports.

34. Over the past two years, the decrease in the backlog was greatest for the Committee on the Elimination of Racial Discrimination (less 51 per cent) and the Committee on Economic, Social and Cultural Rights (less 49 per cent). The Committee on the Rights of the Child significantly reduced its backlog of initial reports submitted under the two Optional Protocols, on the involvement of children in armed conflict (less 73 per cent) and on the sale of children, child prostitution and child pornography (less 47 per cent).

35. The backlog of State party reports did not, however, decrease for all treaty bodies. In spite of the increased meeting time and rate of review in 2015, three treaty bodies (Committee on Enforced Disappearances, Committee on the Rights of Persons with Disabilities, Committee on the Elimination of Discrimination against Women) registered an increase in the backlog of State party reports. This is due to the fact that States do not report in an equal manner to all treaty bodies. A definitive conclusion regarding the backlog of State party reports can be drawn only at the end of 2017. At the current pace, however, it seems unlikely that the backlog of State party reports will have been reduced by two thirds by December 2017. The two thirds, or 66 per cent, reduction is inferred from the reduction of the 15 per cent margin meeting time for the backlog to 5 per cent as from 2018.

Individual communications

36. On 31 December 2015, the backlog of individual communications was greatest for the Human Rights Committee (536 communications pending review), followed by the Committee against Torture (150 communications pending review). Together, these two treaty bodies accounted for 89 per cent of all communications in the backlog (annex IX).

37. From 2013 to 2015, the number of individual communications pending review[17] increased by 31 per cent for the eight treaty bodies that can receive individual communications. With the exception of the Committee on the Elimination of Racial Discrimination and the Committee on Enforced Disappearances, both of which received few communications in the period under review, the trend was the same for all treaty bodies receiving individual communications. Over the past two years, the Human Rights Committee registered a 90 per cent increase in the backlog of communications.

38. Whether this trend will continue in 2016 and 2017 depends on a number of factors. A conclusion in this regard will only be possible at the end of 2017. At the current pace, however, it seems unlikely that the backlog of communications will have decreased by December 2017.

D. Meeting time for 2018-2019 pursuant to resolution 68/268

39. Pursuant to resolution 68/268 (paras. 27-28) the meeting time is to be amended biennially and taken into account in the biennial programme budget for the human rights treaty body system. In other words, resource implications resulting from a reassessment of the meeting time needs would take effect as from 2018. As requested by the General Assembly, the meeting time needs of the treaty body system for the next biennium have been re-assessed based on the parameters decided by the General Assembly (annexes X and XI). As a result, the annual meeting time of the treaty bodies[18] should increase from the current 92.6 weeks to 93.2 weeks in 2018-2019 (plus 0.6 weeks).

40. Within the 93.2 weeks of meeting time per year, there should further be shifts among treaty bodies due to changes in the projected workload. For example, once the mathematical formula of paragraph 26 of resolution 68/268 is applied, the annual meeting time of the Human Rights Committee will increase from 14.7 to 19.8 weeks and the meeting time of the Committee on the Rights of Persons with Disabilities will increase from 8.5 to 10 weeks per year. The meeting time of the Committee on the Rights of the Child will decrease from 15 to 12 weeks[19] and the meeting time of the Committee on Economic, Social and Cultural Rights will be reduced from 10 to 8 weeks annually.

[17] All communications pending are considered as backlog even though they can be examined only when the file is complete.

[18] With the exception of the Subcommittee on Prevention of Torture, which does not review State party reports or examine individual communications and is therefore addressed separately.

[19] In the case of the Committee on the Rights of the Child, this is primarily due to a temporary slowdown in the number of incoming State party reports as well as a reduction of the meeting time to address the backlog as stipulated in resolution 68/268.

41. In addition, within the total meeting time of 93.2 weeks, there will be an important shift from time currently dedicated to reviews of State party reports to time for communications, owing to the sharp rise in the number of communications registered in the past biennium and pending review in the backlog. Specifically, the meeting time for communications will increase from 8.3 to 16 weeks per year. The meeting time for reviews of State party reports will decrease from 66.3 to 59.2 weeks per year (annex XII).

42. These changes have implications for Professional and General Service staff support to the treaty bodies, documentation needs, and travel of treaty body members (including the possibility of separate sessions, as required).

43. Pursuant to paragraph 26 (b) of resolution 68/268, the General Assembly granted a standard two weeks to nine treaty bodies for other mandated activities. By analogy, the resources provided for these weeks were the same as for reviews of State party reports. Evidence from the first year of follow-up to resolution 68/268, however, indicates that the staffing resources provided for these weeks were insufficient to carry out the work required by the treaty bodies in the following areas: urgent actions, inquiries and implementation of recommendations, decisions and views.

44. For all three procedures, additional meeting time would not resolve the challenges the treaty body system faces in these areas.

Urgent actions

45. Urgent actions are a procedure under article 30 of the International Convention for the Protection of All Persons from Enforced Disappearance with the objective of urgently seeking and finding a disappeared person.

46. From 2013 to 2015, the number of urgent actions registered per year increased from 5 to 211. On 31 December 2015, 267 urgent actions were under consideration in total, and 5 registered cases had been discontinued by that time.[20] In order to cope with the exponential increase in the number of requests for urgent actions addressed to the Committee on Enforced Disappearances, however, immediate measures would be necessary as from 2017.

47. The staffing resources provided for the two weeks of other mandated activities have proved insufficient to carry out the work required to effectively support the Committee on Enforced Disappearances in addressing the rapidly growing number of urgent actions registered.

48. Human rights officers who support the Committee on Enforced Disappearances on urgent actions register new requests, prepare requests for information to the State party, analyse the State party's reply and the author's comments, prepare requests for interim measures, draft recommendations for the Committee, and draft correspondence to the State party with the Committee's recommendations. On average, a Professional staff member spends two working days on an urgent action and a General Service staff member one day per year.

[20] In compliance with article 30(4) of the Convention, under which the Committee shall continue its efforts to work with the State party concerned for as long as the fate of the person sought remains unresolved.

Inquiries

49. Six treaty bodies currently carry out inquiries. The table in annex XIII gives an overview of inquiry work in 2014 and 2015. While regular budget funding is provided for documentation and for the travel of treaty body members and staff to carry out inquiry visits, no provision was made for interpretation during the visits. Also, the staffing resources provided for the weeks of other mandated activities have proved insufficient to effectively support the treaty bodies in their inquiries.

50. Human rights officers who support treaty body work on inquiries must receive and process information received under the inquiry procedure, analyse and process it for the treaty body's initial discussion, assist the treaty body's review of the information, which could continue over a number of sessions, prepare communications from the treaty body to the concerned State party and the source of information and undertake other tasks. When the treaty body decides to request a visit, the staff member undertakes substantive, administrative and logistical activities for the visit. Whether or not a visit is undertaken — not all inquiries lead to a visit — the staff member assists in the preparation of the first draft of the inquiry report, assists the Committee in its discussion of the report and assists in finalizing the draft.

51. On average, one Professional staff member needs 15 working days for an inquiry without visit or report, 30 days for an inquiry without a visit but with a report and 55 days for an inquiry with a visit and a report. General Service staff need on average 1, 2 and 5 days respectively to support the treaty bodies on inquiries.

52. If the averages of 2014-2015 are taken as a reference, on average 5 new requests for inquiries can be projected to be received by the treaty body system per year in 2018-2019, 0.5 inquiries concluded per year without a visit but with a report, and one inquiry with a visit carried out resulting in a report.

Implementation of recommendations, decisions and views

53. Most treaty bodies have developed processes to consider the steps taken by States parties to implement decisions and views under the individual communications procedures and to implement a limited number of recommendations as part of the reporting procedure. In 2015, the treaty body system produced 15 such reports relating to concluding observations and 7 reports relating to decisions or views, with some treaty bodies having two procedures or reports per session (for State party reporting and for communications) and therefore six reports per year.

54. The staffing resources provided for the weeks of other mandated activities have proved insufficient to effectively support the treaty bodies for this specific work.

55. Human rights officers communicate with States parties and, in the case of views, with authors of communications, receive information from States parties, civil society organizations and authors of communications, summarize that information, discuss the information with the treaty body rapporteur who identifies a preliminary assessment, prepare the draft report or procedure, attend treaty body discussions, review the draft report with the rapporteur and finalize the procedure,

sending further communications to States parties and, in case of views, to authors of communications, informing them of the relevant decisions of the treaty body.

56. On average, one such procedure or report, whether relating to concluding observations, decisions or views, requires 10 working days of a Professional staff member and 1 day of General Service staff time.

VII. Subcommittee on Prevention of Torture

57. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment differs from the other treaty bodies in that its main function is to carry out field visits. The Optional Protocol to the Convention against Torture is a fast growing treaty, registering a 14 per cent increase in ratifications from 2013 to 2015 and counting 80 States parties on 31 December 2015.

58. From 2013 to 2015, the Subcommittee increased the number of field visits undertaken from six to eight, representing a 33 per cent increase. It plans to carry out 10 or 11 visits in 2016. However, the staffing currently granted to support the work of the Subcommittee is insufficient to meet this objective.

59. The Subcommittee also holds three one-week sessions each year, as it has done since its establishment in 2007, when there were only 34 State parties to the Optional Protocol. On 25 April 2016, the Subcommittee adopted a formal decision on the need for at least one additional week of meetings a year and a corresponding increase in staff and other resources in order to keep pace with the increase in mandated activities (CAT/OP/28/1). The Subcommittee also decided to request the Secretary-General to include its decision in this report.

60. This request from the Subcommittee is not covered by the meeting time formula in resolution 68/268 in the same way as for the other nine treaty bodies. A correlation needs to be established between the number of visits and staff, meeting time, conference servicing and documentation needs of this visiting mechanism.

61. During its meetings, the Subcommittee discusses strategic planning; prepares visits to States parties; holds debriefings by Subcommittee members to the plenary on visits undertaken; adopts visit reports; considers substantive papers on jurisprudence, procedure, medical issues and strategies for the functioning of the Optional Protocol fund; adopts measures with regard to places of deprivation of liberty; provides advice to national preventive mechanisms in the 56 States parties that have established them; provides assistance to the 24 States parties that have not yet established a national preventive mechanism in order to create the conditions for their establishment; holds consultations with States parties, the Committee against Torture, the Special Rapporteur on torture, and international and non-governmental organizations; and adopts its annual report.

62. The staff members providing support to the Subcommittee undertake substantive, administrative and logistical activities relating to the Subcommittee sessions and visits; provide assistance to the Subcommittee members in the conduct of the visits and related factual and legal research, the drafting of substantive papers, visit reports and follow-up with State authorities and other stakeholders on the conclusions of the visits. The staff members further provide substantive and technical assistance to the Subcommittee in its interaction with national preventive

mechanisms. To this end, the staff draft and review documentation on the establishment and operation of national preventive mechanisms, and consult stakeholders on the evaluation of the effectiveness of the mechanisms and needs for technical assistance.

VIII. Harmonization of working methods and the role of treaty body Chairs

63. The General Assembly encouraged the treaty bodies to harmonize their working methods to strengthen and enhance the effective functioning of the treaty body system. The Assembly identified specific working methods for harmonization including the simplified reporting procedure, constructive dialogue, concluding observations, and the consultation process in the elaboration of general comments. The varying degrees of progress on harmonization are depicted in annexes XIV, XV, XVI and XVII.

64. In paragraph 38 of resolution 68/268 the General Assembly encouraged the Chairs to formulate conclusions to accelerate the harmonization of working methods in the treaty body system. Since 2011, the Chairs have affirmed that they should adopt common measures on working methods across the treaty body system following a discussion within each treaty body.

65. The Chairs have made recommendations in relation to the harmonization of working methods in the areas of constructive dialogue, concluding observations and general comments. They continue to work with their respective treaty bodies to find consensus on their role to give meaningful follow-up to the resolution. Interaction with States parties as called for in paragraph 39 of the resolution has occurred at every annual meeting of the Chairs since the adoption of resolution 68/268.

IX. Independence and impartiality of treaty body members

66. Eight treaty bodies have adopted or endorsed the Addis Ababa guidelines, while two treaty bodies have not yet adopted them (Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination).

X. Documentation and interpretation

A. Documentation

67. All treaty bodies comply fully with the provisions in resolution 68/268 establishing word limits (paras. 4 and 15).

68. The General Assembly also imposed a word limit for State party documentation at 31,800 words for initial reports, 21,200 words for subsequent periodic reports, and 42,400 words for common core documents (para. 16). OHCHR informed States parties of the new word limits through notes verbales sent on 8 May 2014, 11 November 2014 and 24 November 2015 to permanent representations in Geneva, and in New York for States without a permanent representation in Geneva.

69. As from 1 January 2015, the word limit was enforced strictly and all State party documents exceeding the word limit were returned to the State party for shortening. An increase in the number and size of annexes[21] was noted.

70. Resolution 68/268 did not establish a word limit for State party replies to lists of issues that may be raised under the standard reporting procedure. While the treaty bodies have provided guidance to Member States that such documents should not normally exceed 10,700 words, actual practice varies greatly, some documents exceeding 45,000 words. The lack of predictability regarding the length of the documents makes it particularly difficult to plan their processing. Hence, provision by the General Assembly of a mandated word limit of 10,700 words for State party replies to lists of issues under the traditional reporting procedure, in line with paragraph 15 of resolution 68/268 and the treaty bodies' current guidance, would ensure the timely translation and issuance of these documents and facilitate the work of the treaty bodies.

71. In the five-year period from 1 January 2011 to 31 December 2015, 83 States parties submitted a common core document,[22] 31 of which did so following the adoption of resolution 68/268 in April 2014. When updating the common core document, only 6 States parties used the option of the addendum, even when changes to the common core document were modest.

B. Working languages

72. The term "working languages" applies to both interpretation and documentation. Common core documents, concluding observations, decisions and views on individual communications, general comments, annual reports, visit reports, rules of procedure, and working methods are issued in the six official languages of the United Nations. However, State party reports, lists of issues prior to reporting and replies thereto, in- and post-session follow-up reports, interim or admissibility decisions on communications, inquiries, early warnings and the provisional agenda are issued in the working languages of the respective treaty body only.

73. By paragraph 30 of resolution 68/268 the General Assembly limited the maximum number of working languages per treaty body to three as from 1 January 2015, with a fourth language provided on an exceptional basis. With the exception of the Committee on the Rights of Persons with Disabilities, which used only two working languages in 2015, all treaty bodies use three working languages, usually on the basis of membership. The Committee on the Rights of Persons with Disabilities also uses sign language and captioning.

C. Summary records

74. The provisions of resolution 68/268 regarding summary records (paras. 24-25) were fully implemented. As from 1 January 2015, summary records were issued in English or French. No States parties requested the translation of the summary record

[21] Annexes are not formatted, edited, translated or issued as United Nations documents.

[22] States that submitted two or more common core documents are counted only once.

of their constructive dialogue with a treaty body into another official United Nations language.

75. Summaries of treaty body meetings are systematically posted on the OHCHR and the United Nations Office at Geneva websites in English and French.

XI. Nomination and election of treaty body members

76. The nomination and election process for treaty body members is the prerogative of States parties to the various international human rights treaties. In paragraph 10 of resolution 68/268 the General Assembly encouraged States parties to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular in the field covered by the relevant treaty, and, as appropriate, to consider adopting national policies or processes with respect to the nomination of experts as candidates for treaty bodies. In paragraph 13 it encouraged States parties to give due consideration, in the election of treaty body experts, to equitable geographical distribution, the representation of the different forms of civilization and the principal legal systems, balanced gender representation and the participation of experts with disabilities in the membership of the treaty bodies.

77. Replies by States to the questionnaire on action taken to follow up on paragraphs 10 and 13 of resolution 68/268 are available on the OHCHR website.[23]

78. The Secretary-General systematically draws the attention of States parties to paragraphs 10 and 13 of the resolution in his note verbale inviting States parties to submit nominations to fill treaty body vacancies. The Secretary-General also amended the standard note prepared for the election of treaty body members to reflect the composition of the treaty bodies and provide information on the tenure of existing members.

79. Furthermore, the Secretary-General provided detailed information regarding the geographical and gender composition of the treaty bodies in his report to the General Assembly submitted pursuant to resolution 68/161 (A/70/257). In that report, the Secretary-General expressed his extreme concern about the stark gender imbalance and lack of equitable geographical distribution in the membership of the human rights treaty bodies (para. 27).

80. Men are overrepresented in most treaty bodies and women are overrepresented in the Committee on the Elimination of Discrimination against Women (annex XVIII). On 1 January 2016, out of 172 treaty body members, 44 per cent were women. Excluding the Committee on the Elimination of Discrimination against Women, the representation of women in the membership of the treaty bodies is 31 per cent. At the twenty-eighth meeting of the Chairs in June 2015, 3 of 10 treaty body Chairs were women.

XII. Persons with disabilities

81. Aspects of physical accessibility have been fully integrated in the detailed implementation plan of the renovation project of the United Nations Office at Geneva, the Strategic Heritage Plan (annex XIX). The project, which is forecast to

[23] www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx.

last eight years, will be implemented in three phases: analysis, concept design and construction. As part of the first phase, an accessibility matrix has been developed which forms the basis for the solutions to be developed, paving the way for an accessibility master plan. Upon completion of the project, all conference rooms will have a reasonable number of accessible seats for persons with disabilities. There will be accessible audiovisual and information technology infrastructure and equipment, podium access, circulation width, at least one accessible door and additional space in each conference room.

82. With regard to reasonable accommodation, treaty body members with disabilities are entitled to have a personal assistant travel with them if they indicate this is required. Currently, only the Committee on the Rights of Persons with Disabilities benefits from sign language and captioning (annex XIX).

XIII. Webcasting and video-archiving

83. The General Assembly, in resolution 68/268 (para. 22), decided in principle to webcast, as soon as feasible, the public meetings of the treaty bodies, and requested the Department of Public Information to report on the feasibility of providing webcasts. The feasibility study is included in annex XX.

84. Under a pilot project funded from extrabudgetary resources, the United Nations in 2016 purchased and installed the equipment hardware and software for webcasting and video-archiving in three meeting rooms used by the treaty bodies, based on a feasibility study and procurement processes managed by the United Nations Office at Geneva. The project ends in June 2017 and therefore webcasting will be discontinued unless resources are provided by the General Assembly as proposed in annex XX.

XIV. Office of the United Nations High Commissioner for Human Rights

85. Since the adoption of resolution 68/268, OHCHR has made the following tools available on its website (www.ohchr.org): a calendar of all treaty body meetings, searchable by country, and information on the deadlines for the submission of documentation.

86. In 2015, OHCHR launched a *Handbook for Human Rights Treaty Body Members* to inform interested candidates of the roles and responsibilities of treaty body members, which is posted in electronic format on the OHCHR website. A dedicated webpage was also created to centralize information on forthcoming treaty body elections (http://www.ohchr.org/EN/HRBodies/Pages/ElectionsofTreatyBodiesMembers.aspx).

XV. Conclusion and recommendations

87. **The state of implementation of resolution 68/268 is globally positive, reaffirming the importance and relevance of the treaty body system for the protection and promotion of human rights and demonstrating its dynamic and responsive nature.**

88. In the relatively short period of implementation covered by this report, the treaty body system has already achieved greater efficiency and effectiveness, as attested by the increase in the number of reviews of State party reports, individual communications examined and field visits undertaken, and the reduction in the backlog of State party reports. The harmonization of working methods is progressing with varying results.

89. The capacity-building programme on engagement with the treaty bodies was established and implemented by OHCHR with encouraging reactions from States. I welcome the sustainable and nationally owned efforts of States in this regard, as well as with respect to other aspects related to the implementation of resolution 68/268, such as the simplified reporting procedure and word limits on State party documentation.

90. The General Assembly's attention is drawn to the following elements for which programme budget implications are to be defined:

(a) The General Assembly is requested to give effect to the formula included in paragraph 26 of resolution 68/268 and to review the amount of meeting time allocated to the treaty body system in line with paragraphs 27 and 28 of resolution 68/268, and to provide the necessary resources to support reporting and individual communications procedures and field visits;

(b) The General Assembly is also requested to decide to provide resources for treaty body work that was supposed to be covered by two weeks of meeting time for other mandated activities, but which proved insufficient as evidenced in this report;

(c) The General Assembly is further requested to consider a third element, which impacts on capacity-building as well as on the visibility and accessibility of treaty body work, namely the provision of resources to webcast the public meetings of the treaty bodies, following the Assembly's principled decision in paragraph 22 of resolution 68/268, as detailed in annex XX.

91. The General Assembly is further requested to consider the formal decision of the Subcommittee on Prevention of Torture on the need for at least one additional week of meetings a year and a corresponding increase in staff and other resources. This is due to the fact that the Subcommittee is not covered by the meeting time formula in resolution 68/268 in the same way as the other nine treaty bodies. I believe a correlation needs to be established between the number of visits and staff, meeting time, conference servicing and documentation needs of this visiting mechanism.

92. The General Assembly's attention is further drawn to the absence of a word limit for replies to lists of issues under the standard reporting procedure.

93. OHCHR will continue to compile information on the implementation of resolution 68/268 with a view to promoting transparency and assisting the General Assembly in its review of the effectiveness and sustainability of measures taken, so that it can decide on further action to strengthen and enhance the effective functioning of the treaty body system in 2020. I encourage all States and other stakeholders to contribute to that reflection based on the progressive assessment of which this report is the beginning.